

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

Case No.: 3:17-CR-82

VOLUME VII of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 31, 2018
8:53 a.m. to 4:46 p.m.

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1 (Call to Order of the Court)

2 THE COURT: All right. Thank you. I wanted to go
3 back to the charge conference, the jury charges. I understand
4 you reviewed the updated jury charge draft, particularly as it
5 relates to the -- particularly as it relates to the charge
6 related to object offenses money laundering and the requirement
7 of unanimity as revised and discussed therein.

8 We also, consistent with our first earlier charge
9 conference, deleted some jury charges that were not applicable
10 or no longer applicable. So I want to see at this point if
11 there are any further questions or objections as to the charge
12 as currently written or as to the special verdict form.

13 Ms. Davidson?

14 MS. DAVIDSON: Your Honor, we have no objections or
15 comments. It is good as written.

16 THE COURT: Thank you.

17 Ms. Tucci-Jarraf?

18 Mr. Lloyd on her behalf?

19 MR. LLOYD: The same, Your Honor. No objections.

20 THE COURT: Mr. Beane or Mr. McGrath?

21 MR. McGRATH: Same, Your Honor. I did speak to my
22 client. He does want to write something about his defendant's
23 theory under 6.01, but --

24 THE REPORTER: Mr. McGrath, can you speak up, please?

25 MR. McGRATH: Oh, I'm sorry. I'm not on the mic.

UNITED STATES DISTRICT COURT

1 Sorry.

2 No. We don't have any more objections or comments.
3 The only addition I will have will be under the 6.01, where the
4 defendant wants to write something small under there, so ...

5 THE COURT: Will he be ready to submit that by the
6 close of the evidence?

7 MR. McGRATH: I'm going to help him with that, so,
8 yes.

9 THE COURT: All right. Ms. Tucci-Jarraf, do you plan
10 to submit a proposed theory or consideration?

11 MS. TUCCI-JARRAF: I do, yes.

12 THE COURT: All right. Can you have that ready by
13 the close of the evidence?

14 MS. TUCCI-JARRAF: Yes.

15 THE COURT: All right. Is there anything else we
16 need to take up?

17 If not, then the government has the officer here for
18 cross-examination, and then you have a couple more short
19 witnesses?

20 MS. DAVIDSON: I think we only have one more after
21 this.

22 THE COURT: All right. Then do either of the
23 defendants at this point plan to present any rebuttal
24 testimony?

25 MS. TUCCI-JARRAF: Yes, I do.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 THE COURT: Okay. Mr. Beane?

2 MR. BEANE: Not at this point, no.

3 THE COURT: Okay. Then we'll stand in recess.

4 When the jury is assembled and ready to come in,
5 we'll proceed forward. Thank you.

6 THE COURTROOM DEPUTY: All rise.

7 (Recess from 8:56 a.m. to 9:16 a.m.)

8 THE COURTROOM DEPUTY: Please remain seated and come
9 to order.

10 THE COURT: All right. Thank you. We'll begin.

11 Our jury is all here. We'll bring them in.

12 (Jury in at 9:17 a.m.)

13 THE COURT: Thank you. Everyone may be seated. Good
14 morning to our members of the jury. I understand a few of you
15 had some traffic issues, so I'm glad everyone made it here safe
16 and sound and ready to continue with this witness.

17 Ms. Tucci-Jarraf, cross-examination?

18 MS. TUCCI-JARRAF: Thank you.

19 **CROSS-EXAMINATION**

20 BY MS. TUCCI-JARRAF:

21 Q Good morning. Without prejudice, I have a few
22 questions for you.

23 Before we begin, I'm going to move to enter some of
24 defendants' exhibits in so that we can do the cross. These are
25 documents that were provided to me by the DOJ, which this

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 officer had brought to them yesterday, and we were provided a
2 copy.

3 MS. SVOLTO: We don't object to the documents going
4 in. But we would like to hear the foundation for them, please.

5 THE COURT: Go ahead.

6 MS. TUCCI-JARRAF: Of course. That's what I'm going
7 to do.

8 Okay. I'm going to put this up so we can show the
9 witness and the prosecutor. Thank you.

10 THE COURTROOM DEPUTY: Yes, ma'am, it is.

11 BY MS. TUCCI-JARRAF:

12 Q Would you please take a look at this document.

13 Do you recognize this document?

14 A Yes, I do.

15 Q This was part of the documentation that you provided
16 to Department of Justice yesterday?

17 A Uh-huh.

18 THE COURT: What's the number on it?

19 MS. TUCCI-JARRAF: Defendants' Exhibit No. 7.

20 THE COURT: We'll admit Defendants' 7.

21 MS. SVOLTO: Your Honor, at this time, I would like
22 to object to the relevance. I'm not sure that I understand the
23 relevance of Ms. Tucci-Jarraf's questioning on Mr. Beane's
24 intake process and how it is relevant to anything involving her
25 case.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 THE COURT: Let's -- I'll admit the document, but
2 I'll allow you to object to particular questions.

3 MS. TUCCI-JARRAF: Thank you.

4 (Defendants' Exhibit 7 admitted into evidence.)

5 BY MS. TUCCI-JARRAF:

6 Q Okay. This is the next one. And take a look at this
7 one, please. If I go too fast, let me know.

8 Do you recognize that document?

9 A I do.

10 Q Is this part of the documents that you handed to DOJ
11 yesterday?

12 A Yes.

13 Q These are the documents that are in the file for
14 Randall Keith Beane in your custody?

15 A Yes.

16 Q And that is marked as Defendants' Exhibit 8. This
17 would be Defendants' Exhibit 9.

18 Excuse me. Let me adjust it. Okay. There we go.

19 MS. DAVIDSON: Your Honor, to be clear, we don't
20 object to the foundation of any of these documents. It's
21 simply that we may object to the relevance. So she doesn't
22 have to go through this with -- we provided these documents.

23 THE COURT: How many documents are we talking about?

24 MS. TUCCI-JARRAF: Okay. I have Exhibit 7 and 8,
25 which you've already admitted. This is Exhibit 9. I'll just

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 show them to you and then I can --

2 THE COURT: Well, how many?

3 MS. TUCCI-JARRAF: -- mark them.

4 THE COURT: There are nine 9? How many?

5 MS. TUCCI-JARRAF: This is 9, Exhibit 10, Defendants'
6 Exhibit 10, Defendants' Exhibit 11, Defendants' Exhibit 12,
7 Defendants' Exhibit 32, Defendants' Exhibit 13, Defendants'
8 Exhibit 14, Defendants' Exhibit 15, Defendants' Exhibit 16,
9 Defendants' Exhibit 22, Defendants' Exhibit 23, Defendants'
10 Exhibit 24, Defendants' Exhibit 25, Defendants' Exhibit 27 --
11 excuse me, 26, Defendants' Exhibit 27, Defendants' Exhibit 28,
12 Defendants' Exhibit 29, Defendants' Exhibit 30, and Defendants'
13 Exhibit 31.

14 And I just had a few quick questions on each one
15 regarding the information that was on -- so I --

16 THE COURT: These are all documents brought by this
17 witness?

18 MS. TUCCI-JARRAF: Yes.

19 THE COURT: And all relate to, I guess, the intake
20 process as to Mr. Beane?

21 MS. TUCCI-JARRAF: Not just the intake process.
22 So -- but there's only a few questions on each one or one
23 question on each one.

24 THE COURT: That could take a while, given the number
25 of documents you stated.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 So the general objection I'm hearing is that how are
2 they relevant to the count of the indictment as to you with
3 respect to conspiracy to commit money laundering?

4 How would you respond to that?

5 MS. TUCCI-JARRAF: My response is that throughout my
6 testimony, throughout my case in chief, testimony was provided,
7 evidence was provided that my intent was not to commit a crime,
8 but to stop a crime.

9 And there was also testimony regarding collusion
10 between Tennessee law enforcement all the way up to the Federal
11 Reserve Bank, which we were able to establish a trail as far as
12 who they spoke to.

13 And it goes to my intent to stop a crime, and that's
14 why I was involved in the events in July. So it goes to
15 credibility and weight, which was attacked yesterday by --
16 throughout the trial by Ms. Davidson.

17 THE COURT: Go ahead.

18 MS. TUCCI-JARRAF: Thank you.

19 THE COURT: You said a question or two on each one.

20 MS. TUCCI-JARRAF: Uh-huh.

21 THE COURT: Go ahead.

22 (Defendants' Exhibits 8 through 16 and 22 through 32
23 admitted into evidence.)

24 BY MS. TUCCI-JARRAF:

25 Q I'm sorry, can you tell me your last name again,

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Officer?

2 A Wilshire.

3 Q Wilshire?

4 A Uh-huh.

5 Q Thank you. Officer Wilshire, on Exhibit --
6 Defendants' Exhibit No. 7, could you please read at what date
7 and time this document shows received?

8 A July 12th, 2017, 2:13 a.m. 02:13, that would be
9 also -- that would be Nashville time, so this uses Central
10 Time.

11 Q And who was the requesting agency?

12 A ORI is Knox County Sheriff's Office.

13 Q Okay. And what is a message key?

14 A It's a detained wanted person. It's what it says.

15 Q Could you please read the message key?

16 A The message key says, "Detained Wanted Person -
17 Caution."

18 Q Excuse me. After "Message Key" and the letters
19 "QWA"?

20 A Oh, "Query Wanted -- Wanted All, Searches All NCIC
21 Persons Files Without Limitations."

22 Q Thank you.

23 A And it's got a warning.

24 Q Oh, sorry. Thank you. And this is just how it is,
25 the NCIC, on July 12 at 2:13?

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 A The totality, can you rephrase your question, please?

2 Q Was this the full -- was this the full NCIC that you
3 got at that time during that request?

4 A Whoever ran this at this time, that is the response
5 that was received from NCIC, yes.

6 Q Thank you. And on Exhibit -- Defendants' Exhibit 8,
7 it's the same date and time, but this was in the file that you
8 produced, the records from the file that you produced for
9 Randall Keith Beane. It says for ID?

10 A It's a photocopy. Our identification officers
11 received a photocopy so they could work off of it.

12 Q So kind of a working copy then?

13 A Yes.

14 Q Thank you. This is Defendants' Exhibit 9.

15 What is this document, Officer Wilshire?

16 A This is a response from the FBI where the
17 fingerprints were actually copied and faxed off to FBI. They
18 were needing a response sooner than our AFIS system could
19 return it. So to make sure we didn't pause anything more than
20 we needed to, they sent it to the FBI directly.

21 And they're good enough to actually do a manual
22 search for us, it will actually put it into their database,
23 search fingerprints, and give us a response of who we have.

24 Q So this is a response?

25 A This is a response.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q And what is -- can you read at the top, is that the
2 fax receipt date and time?

3 A Yes.

4 Q And from who?

5 A From CJIS. That's from FBI, from CJIS. That's their
6 division that does criminal justice, does fingerprinting.

7 Q Okay. So the official name is FBI, CJIS Enterprise.

8 A That's going to be a fax stamp. I'm not sure.
9 That's probably going to be the way they probably have their
10 fax stamp showing who it's coming from, to let you know who
11 it's coming from.

12 Q Okay. Can you please read the date and time it was
13 received?

14 A July 12th, 2017, 02:31.

15 Q Thank you. Defendants' Exhibit No. 10. This is --
16 can you please tell us what this is?

17 A This is an arrest report.

18 Q An arrest report. Who fills these out?

19 A Whoever is probably going to do a charge on someone.
20 So this actually gets sent to the judicial commissioner, and it
21 has a narrative on the back that would tell the judicial
22 commissioner what narrative and what the person is going to
23 swear to as far as the warrant goes. It's also a record we're
24 detaining someone and placing someone in custody for a certain
25 charge.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q Okay. Could you please, on this particular one,
2 could you please read the arrest time?

3 A 05:30.

4 Q And the arrest date?

5 A The arrest date is July 12th, 2017.

6 Q And then this particular section -- section was
7 "Arresting Location." Could you please identify that, what it
8 says?

9 A The location says Maloneyville Road, 5001
10 Maloneyville Road.

11 Q And the arresting officer?

12 A It's Leah Spoone.

13 Q Leah Spoone. Okay. Is that her signature and date
14 over there?

15 A I'm not familiar with her signature, so I couldn't
16 attest to her signature, ma'am.

17 Q Okay. Do --

18 A That does appear to be the name Spoone.

19 Q Okay. Is there normally someone that has to write on
20 this particular document?

21 A Do they have to write on it?

22 Q Next to their typed name?

23 A It's good practice, any time you put your name on any
24 document, put your initials or marking on it, yes.

25 Q What is on the line below the handwritten Spoone and

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 the date, what is that -- what is that?

2 A It would appear to be a time, I would guess, to 0615.
3 That's formatted such as a time. I can't completely, a hundred
4 percent tell you, but that appears to be a time.

5 Q Okay. Thank you.

6 Defendants' Exhibit No. 11. Sorry. Let me just --
7 okay.

8 What is this document?

9 A That's a screenshot of a current charges screen.

10 Q From the -- is this on a website?

11 A This is on the jail management system or Justice
12 Information Management System.

13 Q So this is an internal -- the public don't have
14 access to this particular screen?

15 A Not to that screen, no.

16 Q Okay.

17 A But it's common. It's public information that's gave
18 to our website, actually, so it's public information.

19 Q Okay. And what is the date on that one?

20 A Date of the report or the date -- which date?
21 There's two dates on there.

22 Q Okay. So the -- the date of the report?

23 A 7/13/2017, 01:49.

24 Q That's 1:49 a.m.?

25 A Yes.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q Does -- do you -- do your systems mark things in
2 military time?

3 A Yes.

4 Q Thank you. And when -- excuse me. Going back to
5 that particular one, what are these typically issued for then,
6 this report, just as a record or --

7 A It's just a record showing what the current charges
8 are at the time.

9 Q So it's not delivered to anyone, it's just for your
10 internal working --

11 A Correct.

12 Q Thank you. And this particular document?

13 A That's a warrant summary screen. It's on the same
14 system.

15 Q Okay. And that would be -- when was that issued?

16 A 7/13/2017. It's not issued. It's just a print-off
17 date.

18 Q Is that similar to the last document we had, it's an
19 internal document for working?

20 A Yes.

21 Q And this one here particularly shows -- on the date
22 of July 13th, 2017, is when this particular document was
23 produced. Is that correct?

24 A That's correct.

25 Q Okay. And it shows two warrants at that point,

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 doesn't it?

2 A That's correct.

3 Q Okay. So on -- why do you use the at symbol?

4 A It's nomenclature for the system that we use locally
5 for our warrants that has an at sign in it. Not sure why.
6 It's just nomenclature that's used.

7 Q So on this particular date at 7/13/2017, there was
8 one warrant identified as 1202373?

9 A Correct.

10 Q That was issue date 7/13/2017?

11 A Correct.

12 Q And the second warrant was Warrant No. 1202006. Is
13 that correct?

14 A Correct.

15 Q And that issue date for that one is 7/12/2017?

16 A Correct.

17 Q Okay. What does the status "I" mean?

18 A The "I" means issued.

19 Q And what does the status "S" mean?

20 A Served.

21 Q Served. And over here in column listed as

22 "Received" --

23 A Uh-huh.

24 Q -- this would mean that the warrant was issued, but
25 not received. Is that correct?

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 A "Received" means it was received by the courts at
2 that time. If it's not issued, if it's not served yet, it
3 can't be received by the courts. Once the other ones show as
4 served, it will show as being received.

5 Q Okay. So when it says received and the "no" is
6 there, it means it hasn't been received by the court?

7 A It's usually when we get it in our records division,
8 whenever our agency has it. So if you swear out a warrant on
9 someone, it's not going to be received by anyone. It's still
10 going to be in the commissioner's office, sitting there, if it
11 makes any sense to you.

12 But once it goes into actually usage, it's either
13 placed into a file for outstanding warrants or it's actually
14 used and it's received into the system, if that makes sense.

15 Q Okay. Thank you.

16 A Uh-huh.

17 Q Just to refresh our memories, this is Government's
18 Exhibit 173. The second page, sorry. Government's
19 Exhibit 173.

20 And I believe this is for Warrant No. 1202373. Is
21 that correct?

22 A Yes, that is Warrant 1202373.

23 Q Okay. And that's signed by Magistrate Chris Rowe.
24 Correct?

25 A That's correct.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q And Sara Andersen is listed as the affiant?

2 A Uh-huh.

3 Q Correct?

4 A Correct.

5 Q Okay. And it says, "See attached." Correct?

6 A Uh-huh.

7 Q And was there anything attached to that?

8 A No. Not sure why "attached" was used. They sign
9 these for the commissioner in front of them. I'm not sure what
10 "see attached" even meant. I'm not sure what that meant.

11 Q Okay. Does the affiant usually sign these --

12 A Yes.

13 Q -- prior to the magistrate?

14 A Uh-huh.

15 Q Does the affiant always sign prior to the magistrate?

16 A Yes.

17 Q And you stated that the affiant is usually in front
18 of the judge personally, physically?

19 A Don't have to be physically. They can actually do it
20 in front of a Skype, they can do it in front of the camera. We
21 have ways of signing electronically. You can go in front of
22 the commissioner, you can do it electronically. We do
23 sometimes even fax the warrant signature to them.

24 Q I'm going to now show you Defendants' Exhibit 32.

25 This is Page 1 of 32.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 And does this -- this is Warrant No. 1202373.

2 Correct?

3 A Uh-huh.

4 Q And who puts "Copy" across the warrant?

5 A The system does that. That's just a copy of the
6 warrant. That's off the system to show you a copy of what the
7 warrant looked like.

8 Q Thank you. And this is Page 2 of Exhibit 32. And,
9 again, this is for Warrant 1202373. Correct?

10 A Yes.

11 Q Okay. And there is a signature here for Chris Rowe,
12 Magistrate. Correct?

13 A Yeah.

14 Q And there's no signature for Sara Andersen, Affiant.
15 Correct?

16 A Because that's a copy. That means it was not an
17 electronic signature. She either did a copy -- she either sent
18 a faxed copy to him that went on file with the courts or she
19 was in front of him personally. It doesn't copy if it's not
20 electronic signature.

21 Q I'm going to show you Defendants' Exhibit 13.

22 And this is for Warrant 1202373. That's for 1202373.
23 Correct?

24 A Are you asking for -- yes, it is.

25 Q Thank you. Sorry.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 And on here, there's some very faint -- a faint
2 marking there. That's the original?

3 A Yes.

4 Q This would be the one that Sara Andersen signed?

5 A It does have a signature on it.

6 Q Okay. And from your explanation, they would sit in
7 front of a Skype, not necessarily face to face, when you
8 described it, they would just sign the original, this would be
9 an example of an original with the affiant signature?

10 A Can you repeat the question? Because I told you
11 three ways it could happen. So I'm not sure which one this one
12 did, but there is a signature attached.

13 Q Okay. Thank you.

14 A Yes.

15 Q I'm going to show you Defendants' Exhibit 16. This
16 is another arrest report?

17 A Yes.

18 Q Okay. And the arrest time is 23:10. Correct?

19 A Yes.

20 Q On July 13th?

21 A Uh-huh.

22 Q Okay. For Randall Beane?

23 A That's correct.

24 Q Okay. And the arresting location is again
25 Maloneyville?

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 A Uh-huh.

2 Q The detention. And this one is -- the arresting
3 officer is Sara Andersen. Correct?

4 A Yes.

5 Q And these are issued prior to the arrest warrant
6 being signed off?

7 A Correct.

8 Q Thank you. Okay. Defendants' Exhibit 15. There's
9 the 15.

10 This is another Current Charges Report, which you
11 explained to us is an internal document that you have on your
12 systems. Is that correct?

13 A That is correct.

14 Q Okay. And at the top underneath Page 1, there's a
15 handwritten signature there or a handwritten name there?

16 A Yes.

17 Q Is that Andersen?

18 A Yes.

19 Q Or excuse me, S. Andersen?

20 A It appears to be so, uh-huh.

21 Q Okay. And, again, it shows two warrants, Warrant
22 1202006 with a star next to it. Correct?

23 A Correct.

24 Q Okay. And it also lists another Warrant 1202373.
25 Correct?

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 A That is correct.

2 Q Okay. And it has a booking date next to each
3 warrant. This one shows July 12th for the booking date of
4 warrant ending in 2006. Correct?

5 A Correct.

6 Q With a serve date of July 12th?

7 A Uh-huh.

8 Q And for the other warrant ending in 2373, it shows
9 booking date of 7/13/2017. Correct?

10 A Correct.

11 Q And it shows served date July 13th, 2017. Correct?

12 A That's correct.

13 Q Okay. And then below that, is the star with "Per
14 Magistrate Rowe, will ROR." Correct?

15 A Correct.

16 Q Okay. And ROR?

17 A Means release on recognizance.

18 Q And it shows underneath that, "Has emailed DA with
19 circumstances to have this instrument cancelled." Correct?

20 A That's correct.

21 Q Okay. And the actual date of this report was on
22 July 13th, 2017. Correct?

23 A Correct.

24 Q At 23:41 hours?

25 A That's correct.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q Thank you. Okay. Defendants' Exhibit 14.

2 Officer Wilshire, what is this document?

3 A That's a release issued from the courts.

4 Q This was issued on July 13th, 2017. Correct?

5 A Yes.

6 Q At 23:46 hours. Correct?

7 A Yes.

8 Q And this would be general sessions court. Correct?

9 A That's correct.

10 Q And Mike Hammond, Clerk, who is that?

11 A Mike Hammond is the elected clerk of the courts for
12 Knox County.

13 Q Of the court of sessions?

14 A Uh-huh. Well, criminal and -- he's the court clerk.
15 He's the actual elected clerk for all the clerk's criminal and
16 general sessions.

17 Q Okay. Thank you. And below, it looks like there's
18 some boxes here, some data that isn't showing. Do you know
19 if --

20 A There's never any boxes there. That form never has
21 anything but what's at the top of it. I'm not sure if that's
22 a -- what that is.

23 Q Okay. Thank you. I'm now showing you Defendants'
24 Exhibit 24. This is an NCIC. Correct?

25 A This is an NCIC response to a hit, yes.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q This was received on July 12th, 2017. Correct?

2 A Yes.

3 Q And it was at 4:00 a.m. -- or excuse me, 4:47 a.m.

4 Correct?

5 A Correct.

6 Q Okay. And below that, we have another message key?

7 A That would be Central Time.

8 Q Central Time. Thank you.

9 From the detention facility again. Correct?

10 A Yes.

11 Q Okay. And the search was for all NCIC persons files
12 without limitations. Correct?

13 A Correct.

14 Q And it shows an ORI with SC0270000. Correct?

15 A That's correct.

16 Q Name, Randall Beane?

17 A Uh-huh.

18 Q And as you stated, the ORI acts like a --

19 A It's a locator code for whatever agency. Each agency
20 has its own ORI. And it's usually based on the state, then the
21 code is usually a digit after, is the state or is the county
22 number for the county that it belongs to.

23 Q Okay. And below that, there's another listed person.

24 What is this ORI, it's -- excuse me, this ORI is for

25 California. Correct? CA --

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 A Correct.

2 Q -- 0300097?

3 A Uh-huh.

4 Q And it's for a Torres, a Miguel Torres, Miguel
5 Gonzales Torres. Correct?

6 A Correct.

7 Q Who's listed as -- or excuse me, the offense is
8 listed as dangerous drugs right here?

9 A Uh-huh.

10 Q In the county of -- in Orange County. Correct?

11 A Uh-huh.

12 Q And below it, there's a warning for that individual,
13 NCIC gang group and member. Correct?

14 A Correct.

15 Q Okay. And then below that, you have ORI for
16 NC0760004. This is for North Carolina. Correct?

17 A Correct.

18 Q Okay. With the name Randall Keith Beane?

19 A Uh-huh.

20 Q And under here, it says, "GNG," what does that stand
21 for?

22 A It would be a gang indication.

23 Q And it says "None Known" for Randall Keith Beane.
24 Correct?

25 A Uh-huh.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q Okay. Exhibit 25, Defendants' Exhibit 25.

2 Officer Wilshire, this is again from the NCIC data
3 system. Correct?

4 A That's correct.

5 Q Okay. And this was received on July 12th, 2017?

6 A Uh-huh.

7 Q At 5:08 a.m. Correct?

8 A That's correct. Central Time.

9 Q Okay. And this is essentially in the database,
10 you're able to find what agency, the agency's contact
11 information. Correct?

12 A Rephrase your question. This is not the purpose, to
13 find agency contact information. This is not what this
14 document --

15 Q It says, "Hit Confirmation Response."

16 A Yes. That's what it is.

17 Q For "The Record Below: Is Confirmed"?

18 A Yep.

19 Q And under there, it says, "Confirming Agency: Jasper
20 County Sheriff's Office"?

21 A Correct.

22 Q Okay. With a phone number?

23 A Yes.

24 Q And a fax?

25 A Correct.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q Officer Wilshire, which -- there's a Knox County
2 Sheriff's here, an office here, a jailing facility here,
3 correct, close to the -- close to this courthouse?

4 A We have three facilities, uh-huh.

5 Q Okay. And the detention facility, how far away is
6 that?

7 A Fifteen minutes possibly.

8 Q Okay. So it's -- it's not within the downtown area?

9 A No.

10 Q Which location do you work at?

11 A At that one, detention facility, Roger D. Wilson.

12 MS. TUCCI-JARRAF: Okay. Thank you. I have no
13 further questions.

14 THE COURT: Thank you.

15 Any cross-examination, Mr. Beane?

16 MR. BEANE: Yes.

17 MS. TUCCI-JARRAF: Oh, I'm sorry.

18 **CROSS-EXAMINATION**

19 BY MR. BEANE:

20 Q Mr. Wilshire, were you present during the arrest?

21 A No, I was not.

22 Q Were you present at any time during the paperwork
23 process to observe whether or not any documents were actually
24 presented to me to sign?

25 A I was not present when you came in, no.

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 Q Is it common practice in Knox County to -- when
2 someone is arrested without a warrant to hold them until you
3 find a warrant?

4 A Till you find a warrant -- rephrase that, please.

5 Q Is it common practice in Knox County to hold someone
6 when they're arrested without a warrant till you find a
7 warrant?

8 A No. If there's no charge, it wouldn't be common to
9 hold someone with a charge. In this case, there was an
10 outstanding warrant in another agency that was confirmed by
11 NCIC, that someone was wanted. So an FFJ warrant, or fugitive
12 from justice warrant, had to be done, completed.

13 Q Are you aware I was arrested on the 11th?

14 A Yes.

15 Q So I was held for a day without a warrant?

16 A You were held until they found out who you were and
17 identified you and found the warrant that was needed to be
18 done.

19 Q Are you aware I was found out who I was at nine
20 o'clock on the 11th?

21 A Not aware of that, no.

22 Q These arrest records, what -- what exhibit numbers --
23 I didn't write that down.

24 MS. DAVIDSON: It's a defendants' exhibit.

25 THE COURT: I believe he's asking -- you're wanting

UNITED STATES DISTRICT COURT

Terry Wilshire - Cross-Examination

1 to use those that Ms. Tucci-Jarraf introduced?

2 MR. BEANE: Yes.

3 THE COURT: There you go.

4 BY MR. BEANE:

5 Q Okay. This is the one for 7/12 at 5:30 a.m. Where
6 is this information obtained as far as date of birth and Social
7 Security number?

8 A It's either obtained by interview with the suspect or
9 after determination of who someone is, you can get it from a
10 database as well. You can get it from NCIC, you can get it
11 from driver's license's information, different sources like
12 that.

13 Q Would you do me a favor and read that Social Security
14 number on there. Can you see that?

15 A 234-39-1135.

16 Q And on this one?

17 A 234-39-1135.

18 Q All right. You said the Social Security number is
19 234, correct, starts with 234?

20 Do you see that Social Security number right there?

21 A 243-39-1135.

22 Q Say that again.

23 A 243-39-1135.

24 MR. BEANE: Thank you. No further questions.

25 THE COURT: Thank you.

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 Any redirect?

2 MS. SVOLTO: Yes, Your Honor.

3 **REDIRECT EXAMINATION**

4 BY MS. SVOLTO:

5 Q Captain Wilshire, so when an inmate comes into the
6 facility or an arrestee comes into the facility, where is that
7 facility located in this case?

8 A It's 5001 Maloneyville Road.

9 Q So the documents that identify Maloneyville Road, is
10 that because that's where Mr. Beane first arrived at the
11 facility?

12 A That's correct.

13 Q All right. And so when someone comes in and doesn't
14 identify their -- their name or their information, does it take
15 some time to find out exactly who they are?

16 A Yes.

17 Q Okay. So in this case, we've looked at the
18 documents, and was that the case here that the defendant did
19 not answer any questions about his identity?

20 A Based on what I'm seeing with the file information,
21 the way things are documented, yes.

22 Q And so to confirm his identity, what did you do, if
23 anything?

24 A Fingerprinted.

25 Q And did the fingerprinting lead to any results?

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 A Yes.

2 Q And so you were able to identify that the defendant
3 was Randall Keith Beane?

4 A Yes.

5 Q All right. That's based on your review of the
6 records you provided?

7 A Yes.

8 Q All right. Once you found out his identity, what's
9 the next step?

10 A Next step is to find out what the person is wanted
11 for, run NCIC checks, whatever it may be. A lot of times it
12 will come back and actually say "wanted" on the fingerprint
13 responses. We'll run an NCIC with that. The FBI number that
14 comes back with the fingerprints is a good way of doing it.
15 From that, you'll find out if there's any wants for the person.

16 Q Okay. And, again, you talked about the NCIC report.
17 And that is a report that's based on any arrests or known
18 warrants out for an individual?

19 A NCIC holds criminal histories. It holds -- any time
20 someone is arrested anywhere in the United States, they hold
21 onto fingerprints at the CJIS level so you can search against
22 the database for any prior arrest. And also, they also have an
23 entry for agencies to enter in wanted instruments, like old
24 outstanding warrants and so forth. It's also a place for
25 missing persons, wanted vehicles, whatever may aid the law

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 enforcement.

2 Q And how is information compiled into NCIC? Is it by
3 a fingerprint, is it by name, is it by all of those factors?

4 A Arrest records are entered in by fingerprint only.
5 That's the only way they're entered in, by fingerprints. Other
6 entries are entered, such as outstanding warrants are entered
7 by, like, someone at an agency that has access to the system
8 and authorized to enter.

9 Q I'd like to show you what has been admitted into
10 evidence as Defendants' Exhibit 24.

11 A Yes.

12 Q Okay. Look at that last paragraph there. Actually,
13 let's look at the last two paragraphs. It does identify in the
14 paragraph starting "MKE" at the top of your screen there?

15 A Yes.

16 Q All right. It does have the name of a -- looks like
17 a Miguel Gonzales Torres?

18 A That's correct.

19 Q And how come this is on here? Can you explain that?

20 A When you enter a name or a -- any demographics in the
21 NCIC, it's going to give you every response on anything that's
22 close. To narrow down, you can do different entries. You can
23 do just by FBI number, you can do just by name and date of
24 birth. Whatever you have at the time is what you enter in, and
25 it's going to give you a response based on whatever it matches.

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 So if you had someone, you entered, for example, a
2 date of birth, and the same date of birth matched someone who
3 was wanted, it would give you a response back for that person,
4 even though it's not the person.

5 You have to read these and read who they are and what
6 they're wanted for. And, of course, the big thing, the
7 giveaway is the FBI number. Once you have fingerprints, you're
8 going to get an FBI number that matches or doesn't match the
9 person.

10 Q And so when you run the report based on, say, date of
11 birth, anyone with that date birth, this information will come
12 up through NCIC?

13 A Uh-huh.

14 Q And then you do some further searches to narrow it
15 down?

16 A You can.

17 Q And then you try to identify and make sure that there
18 is an individual whose identifiers all match?

19 A Correct.

20 Q And did you do that -- or did the detention facility
21 do that here?

22 A My staff appears they did that such thing.

23 Q All right. And so the top line there, "MKE/Criminal
24 Gang Member," what does that mean?

25 A It's just a warning that's -- it cautions someone

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 that's either on the road when you pull someone over or if you
2 come in contact with someone, that they're a possible gang
3 member.

4 Q And that goes to -- is that individual specific?

5 A Yes.

6 Q All right. And then there does appear to be
7 another -- some abbreviations there. Can you explain that
8 line, what it means?

9 A The one that says "GNG"?

10 Q Yes.

11 A GNG is -- it means it's gang, and it's trying to
12 indicate which gang. I don't know what the nomenclature is.
13 I'm not familiar with that one, the SV CZ group, whatever that
14 would be, I'm not familiar with that.

15 Q That's the name of the -- if he's gang affiliation?

16 A Right.

17 Q Okay. All right. Thank you.

18 So I do have another question, I think it's Defense
19 Exhibit 13, but let me double-check. It's actually Defendants'
20 Exhibit 15, please.

21 And now you said this was an internal document, if I
22 recall?

23 A Yes, it's a -- it's a screen printout of a report
24 that we look at to see what our inmates are in jail for at the
25 time.

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 Q All right. And so that indicates the fugitive from
2 justice felony?

3 A Yes.

4 Q All right. And there is the two, and I believe you
5 explained in your testimony that one was corrected. Correct?

6 A That's correct.

7 Q All right. Then there's some handwriting --

8 A Replaced. If not corrected, it was replaced.
9 Replaced by a new one, because it had a typo on the other one,
10 the top one.

11 Q So it was replaced with the second warrant that's
12 listed there?

13 A Correct.

14 Q All right. And the handwriting down here, that you
15 read out on cross, what does that signify here, do you know?

16 A Well, once we found the typo, the -- my staff member
17 actually had called Mr. Rowe, the magistrate on duty, and
18 explained to him what happened, and said, "We need to do a new
19 warrant based on the typo."

20 He agreed to do it.

21 And there's no magistrate -- or no district attorney
22 that was available at the time or anyone in the courts to get
23 that one taken care of, so he agreed to ROR it temporarily
24 until he could get it in front of the courts.

25 And then what he did is, he sent it to the courts to

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 be dismissed. So the second one would be the one that's the
2 corrected one and actually on file. At the time, both showed,
3 though, till we could get the release. And that's what that
4 release document was we looked at earlier.

5 Q Okay. So that was as a result of needing to replace
6 that original fugitive from justice warrant?

7 A That is correct.

8 Q Okay. All right. I think -- bear with me a second,
9 please, as I look for this document.

10 All right. I'd like to show you Government's
11 Exhibit -- I'm sorry, Defendants' Exhibit 25.

12 All right. It shows some remarks there at the bottom
13 of that document.

14 And, again, first, let me ask you what this document
15 is?

16 A It's a hit confirmation response from the agency
17 after requesting a locate for an outstanding hit.

18 Q And so what do the remarks indicate?

19 A It's from the agency and the remarks state that the
20 "Sheriff's Office Will Extradite, Please Place Hold."

21 Q And is that the sheriff's office in the location
22 where the original warrant is issued?

23 A Jasper County Sheriff's Office.

24 Q That's Jasper County, South Carolina. Correct?

25 A Yes.

UNITED STATES DISTRICT COURT

Terry Wilshire - Redirect Examination

1 Q And so does that indicate that some -- I guess
2 some -- looking into whether or not they would -- the sheriff's
3 office there would extradite, that was done here?

4 A This is our confirming document to let us know that
5 they -- there is an outstanding warrant, which is the OCA
6 number at the top that indicates the warrant number. The NIC
7 number is the entry that the agency placed on this person, I
8 believe, back in 2015, and that is the indication stating that
9 they will extradite.

10 We have to have those elements to the warrant -- for
11 a fugitive from justice warrant and able to take the warrant
12 out.

13 Q Okay. Thank you.

14 Could we see Government's Exhibit 165.

15 And is that the warrant you were just discussing?

16 A That is a copy of the warrant that we obtained from
17 them that was on file, yes.

18 Q And if you could zoom in to the date there at the
19 bottom.

20 And would that have been the date that the warrant
21 was issued?

22 A That would indicate the date the warrant was issued,
23 yes.

24 Q And that's -- what date is that?

25 A April 17th, 2015.

UNITED STATES DISTRICT COURT

Terry Wilshire - Recross-Examination

1 MS. SVOLTO: I don't have anything else. Thank you.

2 THE COURT: Thank you. Any recross based on the
3 redirect, Ms. Tucci-Jarraf?

4 MS. TUCCI-JARRAF: Yes, a few questions.

5 **RECROSS-EXAMINATION**

6 BY MS. TUCCI-JARRAF:

7 Q Without prejudice, I have a few more questions for
8 you based on the redirect.

9 On Defendants' Exhibit 25, this was the locate
10 request that you -- that had been done on the NCIC database.
11 Correct?

12 A This is a hit confirmation response from -- asking
13 the agency if they would extradite or not.

14 Q Okay. And the initial NCIC, that search that you did
15 on July 12th was approximately at 2:31 a.m. Correct?

16 A I don't have that in front of me, so I'm not sure if
17 that's the date it was sent or not.

18 Q Okay. Let me grab that. Defendants' Exhibit 7, this
19 was the initial one that you had stated was done at -- excuse
20 me, not -- 2:13 a.m. Correct?

21 A That is the hit response. That's a hit saying that
22 the -- it's outstanding and it's wanted. It's not what we send
23 to the agency asking if they will extradite.

24 Q Correct. I was just talking about the time stamp
25 on --

UNITED STATES DISTRICT COURT

Terry Wilshire - Recross-Examination

1 A Yes. The time stamp does say 2:13.

2 Q Okay.

3 A Central Time.

4 Q So approximately less than three hours later, this
5 one says 5:08 a.m. for this particular locate. Correct?

6 A Correct.

7 Q Just give me one moment and I'll find the -- here we
8 go. And the South Carolina bench warrant, which was
9 Exhibit 165, Government's Exhibit 165, you stated you received
10 that from South Carolina, Jasper County Sheriff's?

11 A It appears that way, yes.

12 Q David, could you please pull up Exhibit 165, please.

13 Okay. On Government's Exhibit 165, we have -- please
14 take a look at this one.

15 There's no fax -- fax data that it was received by
16 fax at all. Correct?

17 A It doesn't appear to have a time stamp, no.

18 MS. TUCCI-JARRAF: Okay. Request I please just have
19 screens for --

20 THE COURTROOM DEPUTY: Yes, ma'am.

21 MS. TUCCI-JARRAF: Thank you.

22 BY MS. TUCCI-JARRAF:

23 Q Okay. This is the South Carolina warrant that was --
24 excuse me, this document, do you recognize it?

25 A It appears to be the same document.

UNITED STATES DISTRICT COURT

Terry Wilshire - Recross-Examination

1 Q Okay. And this is the one you provided to the DOJ
2 yesterday --

3 A Yes.

4 Q -- from the file? Okay. I move to admit Defendants'
5 Exhibit 33.

6 THE COURT: So admitted.

7 MS. TUCCI-JARRAF: Thank you.

8 (Defendants' Exhibit 33 admitted into evidence.)

9 BY MS. TUCCI-JARRAF:

10 Q Okay. And on -- I'm going to turn this sideways. So
11 this is the bench warrant from South Carolina. Can you please
12 tell me -- or can you please confirm for me, this was from
13 July, the fax heading which was received, July 12th, 2017.
14 Correct?

15 A Correct.

16 Q At 4:13 a.m.?

17 A Correct.

18 Q From JC Communications. Correct?

19 A Uh-huh.

20 Q That would be Jasper County Communications?

21 A That would appear to be. I'm not -- I can't confirm
22 that, but that's what it would appear to be, since it's Jasper
23 County on the warrant.

24 Q Okay. This would be the faxed copy that you received
25 from South Carolina. Correct?

UNITED STATES DISTRICT COURT

Terry Wilshire - Recross-Examination

1 A That would be the faxed copy we received.

2 Q Okay. Thank you. And I just have a couple of
3 follow-up questions regarding the NCIC database. You had
4 stated during your redirect that only those who were authorized
5 to enter data could enter the data, correct, into the NCIC
6 database?

7 A Correct. Correct.

8 Q Okay. So they would be the only ones that would be
9 able to enter data, edit data, or cancel data. Correct?

10 A That's correct.

11 Q Are you authorized to enter the data?

12 A No, I'm not. I'm a query only.

13 Q Is anyone at Knoxville Sheriff's Office authorized to
14 enter the NCIC database?

15 A For our warrants only, for our area, from Knox
16 County. We couldn't enter for any other agency.

17 Q So it's your understanding that every law enforcement
18 agency is only able to enter data for their particular area
19 that they have jurisdiction over. Correct?

20 A Absolutely. Because it's based on the ORI that you
21 ask about and they ask about as well. That's actually an
22 indicator for the agency's area and code that they're
23 responsible for. So if it's entered, it's only entered by
24 their ORI. I can't enter anything for South Carolina, and
25 South Carolina can't enter anything for me.

UNITED STATES DISTRICT COURT

Rachel Hall - Direct Examination

1 Q Okay. Thank you for clarifying that.

2 A You're welcome.

3 MS. TUCCI-JARRAF: I don't have any further questions
4 for you, Officer Wilshire. Thank you.

5 THE COURT: Thank you.

6 Mr. Beane, any further recross?

7 MR. BEANE: No further questions.

8 THE COURT: Thank you. This witness may be excused.
9 Thank you again for coming back today and yesterday
10 as well.

11 Government may call its next rebuttal witness.

12 MS. DAVIDSON: We call Ms. Rachel Hall.

13 WHEREUPON,

14 **RACHEL HALL,**

15 was called as a witness and, after having been first duly
16 sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 THE COURTROOM DEPUTY: Have a seat, please. Scoot as
19 close as you can. Please state and spell your name for the
20 record.

21 THE WITNESS: My name is Rachel Hall. R-a-c-h-e-l.
22 Last name is Hall, H-a-l-l.

23 BY MS. SVOLTO:

24 Q Good morning, Ms. Hall.

25 A Good morning.

UNITED STATES DISTRICT COURT

Rachel Hall - Direct Examination

1 Q Can you tell us where you work?

2 A I work for Advantage Innovations. It's here in
3 Knoxville.

4 Q How long have you worked there?

5 A I think about five years.

6 Q What kind of work do you do for them?

7 A I am a financial manager of the accounts.

8 Q And were you working there in July of 2017?

9 A Yes, ma'am, I was.

10 Q And are you familiar with a Randall Beane?

11 A Yes, I am.

12 Q And did he also work at Advantage Innovations?

13 A Yes, he did.

14 Q All right. And in July of 2017, was Mr. Beane still
15 working at Advantage Innovations?

16 A I believe, yes, he was. Yes, he was.

17 Q All right. And do you recall anything unusual in
18 July of 2017 occurring?

19 A In reference to --

20 Q In reference to Mr. Beane?

21 A Yes. Mr. Beane gave me a check.

22 Q I'd like to show you, defense and the witness only,
23 Government Exhibit 172.

24 Do you recognize that?

25 A Yes, I do.

UNITED STATES DISTRICT COURT

Rachel Hall - Direct Examination

1 Q And that's this right here?

2 A Uh-huh. Yes.

3 MS. SVOLTO: All right. I'd like to move this into
4 evidence, please.

5 THE COURT: So admitted.

6 (Government's Exhibit 172 admitted into evidence.)

7 BY MS. SVOLTO:

8 Q If you could publish it to the jury. And is this the
9 check that you received?

10 A Yes, it is.

11 Q All right. And so did Mr. Beane give you this check?

12 A Yes. He gave it to me personally.

13 Q And could we look at the date there, the date line,
14 if you could highlight that, David.

15 And was that around the time that he gave this to
16 you?

17 A Yes.

18 Q All right. And for how much, this check?

19 A For \$50,000.

20 Q Was that unusual to you?

21 A Very much so.

22 Q Why was that unusual?

23 A I've never been given a large amount of money like
24 that before.

25 Q And I see in the signature line, could you read that

UNITED STATES DISTRICT COURT

Rachel Hall - Direct Examination

1 out for us?

2 A Where it says his name or where it says "Gratitude"?

3 Q "Gratitude."

4 A Yes, ma'am.

5 Q And so did he explain why he was giving you this
6 check?

7 A Yes, he did. There was a time where he wasn't doing
8 so well, and he met my late husband and received help from my
9 late husband. And he was doing this in gratitude for that
10 help.

11 Q Was that financial help?

12 A Yes.

13 Q So were you surprised to see a \$50,000 check from
14 Mr. Beane?

15 A Yes, I was.

16 Q And I see that you had -- you provided this original.
17 Correct?

18 A Correct.

19 Q You did not cash it?

20 A No, ma'am, I did not.

21 Q All right. Did Mr. Beane tell you where he got the
22 money for this check?

23 A He told me it was a settlement from a case.

24 MS. SVOLTO: Okay. I have no other questions. Thank
25 you.

UNITED STATES DISTRICT COURT

Rachel Hall - Cross-Examination

1 THE COURT: Thank you.

2 Any cross-examination by either defendant?

3 MS. TUCCI-JARRAF: Not by me.

4 THE COURT: Any cross-examination, Mr. Beane?

5 **CROSS-EXAMINATION**

6 BY MR. BEANE:

7 Q Good morning, Rachel.

8 A Good morning.

9 Q I guess I'm a little in shock. Anyway, could you
10 explain the situation to me coming to Tennessee to meet your
11 husband and how that involved him helping me?

12 MS. SVOLTO: I'm going to object to that being
13 outside the scope of direct.

14 MR. BEANE: She said that I met her husband when I
15 came to Tennessee.

16 THE COURT: I'll overrule objection. There was some
17 reference to some assistance by or with her husband. So go
18 ahead.

19 BY MR. BEANE:

20 Q Could you explain how I met your husband and how I
21 came to know him and come to Tennessee?

22 A I'm not certain of the particulars of how you came to
23 Tennessee, just that you did. Jason was involved -- my late
24 husband was Jason. Jason was involved in helping with a
25 project and you were asked to help also.

UNITED STATES DISTRICT COURT

Rachel Hall - Cross-Examination

1 Q Is that it?

2 A From my understanding, yes.

3 Q Do you remember anything of the particulars where
4 this project was?

5 A Yes. It was in Sweetwater, Tennessee.

6 Q And what was the project for?

7 A They -- an individual had a large property that she
8 was wanting to have used for veteran rehabilitation and help.

9 Q So we were in the project of helping others. Is that
10 what you collect from that?

11 A You were attempting to, yes.

12 Q Yeah. And so when Jason passed, what happened at
13 that point, do you remember?

14 A With the project or --

15 Q When Jason passed, what happened with everything,
16 because of his death?

17 MS. SVOLTO: Your Honor, I'm going to object to
18 relevance what her -- what happened after her husband died.

19 THE COURT: I think -- I'll sustain the objection.
20 The question is kind of broad, what happened with everything,
21 so ...

22 BY MR. BEANE:

23 Q Okay. When Jason passed, was anyone able to get into
24 his computers?

25 A No.

UNITED STATES DISTRICT COURT

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1 Q And so was there a lot of information stored on his
2 computers containing the project that we were involved in?

3 A I'm assuming, yes, I'm not sure.

4 Q And have you been able to get into his computer
5 since?

6 A No, and I have not tried.

7 Q So that pretty much stopped our project at that
8 point. Correct?

9 A Correct. Or Jason's involvement, because he was
10 dead. I have no idea what is happening with the project at
11 this time. I have no desire to be a part of it.

12 Q When I handed you the check, my explanation to you
13 was that I was in deep gratitude for your husband and I
14 apologized for his death. Do you remember me making that
15 comment to you?

16 A Yes.

17 Q Your husband -- how generous was your husband to me
18 financially, do you remember?

19 A Particular amounts, no. No. But he was -- he was
20 caring. He was a good man.

21 MR. BEANE: I can't think of any further questions at
22 this point.

23 THE COURT: All right. Thank you.

24 Any redirect?

25 MS. SVOLTO: No, thank you, Your Honor.

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1 THE COURT: All right. Thank you, Ms. Hall. You may
2 be excused.

3 THE WITNESS: Thank you.

4 THE COURT: Any further rebuttal testimony by the
5 government?

6 MS. DAVIDSON: No, Your Honor. At this time, the
7 United States rests.

8 THE COURT: The government rests on its entire case?

9 MS. DAVIDSON: Yes, Your Honor.

10 THE COURT: Any rebuttal testimony offered by either
11 of the defendants?

12 Ms. Tucci-Jarraf?

13 MS. TUCCI-JARRAF: Yes, I will. I would like to use
14 the restroom, if we could, before we move on.

15 THE COURT: How many witnesses -- additional
16 witnesses do you have?

17 MS. TUCCI-JARRAF: Approximately two. Two.

18 THE COURT: Short or --

19 MS. TUCCI-JARRAF: One is very short. And the other
20 one, I don't expect to go over 25 minutes, tops, probably about
21 15 to 20 minutes, I would say.

22 MS. DAVIDSON: Your Honor, I would only point out
23 that all of our rebuttal testimony went solely to Counts 1
24 through 6.

25 THE COURT: Just keep in mind if there is any

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1 rebuttal testimony offered by the defendants would necessarily
2 need to relate to the rebuttal proof offered by the government.

3 Mr. Beane, do you have any rebuttal witnesses to
4 present?

5 MR. BEANE: No, I do not.

6 THE COURT: We'll take a recess until 10:30.

7 (Jury out at 10:19 a.m.)

8 THE COURTROOM DEPUTY: This honorable court shall
9 stand in recess until 10:30.

10 (Recess from 10:20 a.m. to 10:32 a.m.)

11 THE COURTROOM DEPUTY: This honorable court is again
12 in session.

13 THE COURT: Thank you.

14 Ms. Tucci-Jarraf, who do you wish to present as
15 rebuttal testimony?

16 MS. TUCCI-JARRAF: Yes. At this time, I call Parker
17 Still.

18 MS. DAVIDSON: Your Honor, we object. This is not
19 proper rebuttal. She has not served the proper paperwork to
20 call Parker Still. She hasn't gone through the Touhy Regs.

21 THE COURT: Hasn't gone through what?

22 MS. DAVIDSON: Through the Touhy Regs. In order to
23 call a federal agent as a witness, you are supposed to file
24 certain documents with the civil division and with FBI.

25 MS. TUCCI-JARRAF: I wasn't aware of that. He has

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1 been in this courtroom the entire time. He testified. I'm
2 calling him just as rebuttal witness to clarify regarding the
3 NCIC. That's all.

4 THE COURT: Given that he's in effect the
5 government's designated representative and he's been -- he is
6 here in the courtroom, we'll allow him to be called at this
7 time for that purpose.

8 MS. TUCCI-JARRAF: Thank you.

9 THE COURT: All right. If you'll come on up, sir.
10 Bring our jury in.

11 (Jury in at 10:33 a.m.)

12 THE COURT: Thank you. Everyone may be seated.

13 This witness has also previously been sworn in.

14 So, Ms. Tucci-Jarraf, rebuttal testimony at this
15 time?

16 MS. TUCCI-JARRAF: Thank you.

17 WHEREUPON,

18 **PARKER STILL,**

19 was called as a witness and, after having been first duly
20 sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MS. TUCCI-JARRAF:

23 Q Good morning, Agent.

24 A Good morning.

25 Q Agent Still, I just had a couple questions for you

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1 regarding the NCIC exhibits, and I'll read them off to you and
2 then just ask you a few questions.

3 Okay. To begin with, on Defendants' Exhibit 7 and
4 you had stated that your office had a warrant -- or had
5 information of a warrant in South Carolina. Correct?

6 A Yes, ma'am. That's -- that was the information that
7 was provided to me, yes, ma'am.

8 Q And that would be on July 10th?

9 A I believe it was July 11th, the morning of July 11th,
10 yes, ma'am.

11 Q The morning of July 11th. And did you do an NCIC
12 search to be able to confirm that -- or excuse me, are you
13 aware if your office had done an NCIC search to confirm that?

14 A The way that it normally would be done, yes, ma'am,
15 would be -- the office would do -- they have the ability there
16 to do an NCIC check, yes, ma'am.

17 Q Do you have the ability to do an NCIC check?

18 A No, ma'am. The only ability I have would be to
19 contact what we call upstairs, which is kind of our control
20 room or radio room, if you will. And I could say, you know,
21 "Can I get an NCIC check on this individual or that
22 individual," uh-huh, yes, ma'am.

23 Q Okay. So those that are upstairs, they're the ones
24 that have the authorization to enter into the NCIC?

25 A I don't know about enter into the NCIC, all I know is

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1 they're the ones who we call to get a check done, yes, ma'am.

2 Q Okay. And then Exhibit 165, please, David. Okay.

3 This is Government's Exhibit 165, Agent Still. And
4 this is the South Carolina -- excuse me, yeah, South Carolina
5 warrant. Correct?

6 A Yes, ma'am. That's the South Carolina warrant.

7 Q Okay. And can you please tell me approximately when
8 you recall seeing this warrant?

9 A I believe this warrant was e-mailed to me on -- by
10 Jasper County on either the 11th or the 12th of July. I
11 believe that's the first time I actually saw the -- this
12 warrant, this actual one you're speaking of, a physical copy.

13 Q Okay. A physical copy. And did you send that copy
14 or that fax of that South Carolina warrant over to Knox County
15 sheriffs?

16 A No, ma'am. I believe -- I believe the one that I had
17 was an e-mail -- I believe they e-mailed it to me.

18 Q They e-mailed it?

19 A Yes, ma'am.

20 Q Okay. And to the best of your knowledge, has anyone
21 in the FBI gone in and entered information regarding Mr. Beane
22 in the NCIC?

23 A No, ma'am, not to my knowledge. Again, though, I
24 don't know who enters NCIC. I would want to clarify too. If I
25 remember right, from our file, I had two copies, one was this

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1 e-mail of the warrant, and then I think they also faxed me a
2 copy later on, maybe in August.

3 Q In August?

4 A Yes, ma'am.

5 Q Okay. So then to the best of your knowledge,
6 approximately July 12th or July 13th was the first time that
7 you had ever seen that South Carolina warrant?

8 A It could have been the afternoon of the 11th. There
9 was an e-mail from them, yes, ma'am. An e-mail from them
10 either July 11th to July 12th, to the best of my knowledge.

11 Q Okay. Did you provide the Department of Justice,
12 Ms. Davidson, with a copy of that e-mail?

13 A I think so, yes, ma'am.

14 MS. TUCCI-JARRAF: Thank you, Officer Still -- excuse
15 me, Agent Still. I have no further questions.

16 THE WITNESS: Thank you.

17 THE COURT: Thank you.

18 Any cross-examination by the government?

19 MS. DAVIDSON: I'll just ask a few follow-up
20 questions.

21 **CROSS-EXAMINATION**

22 BY MS. DAVIDSON:

23 Q On the morning of the 11th, did you personally
24 confirm that there was a warrant for Mr. Beane's arrest?

25 A Our office would have, ma'am. Ms. Davidson, I didn't

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1 personally confirm it, but our office, that would have been the
2 normal course.

3 Q You were told by your office.

4 Is there any doubt in your mind that there was a
5 warrant in South Carolina for Mr. Beane's arrest?

6 A No, ma'am. There's no doubt.

7 Q Was Mr. Beane indicted in this case?

8 A Yes, ma'am.

9 Q And was there another arrest warrant issued by this
10 court?

11 A Yes, ma'am, a federal arrest warrant.

12 MS. DAVIDSON: Thank you, Your Honor. That's all I
13 have.

14 THE COURT: Thank you.

15 Mr. Beane, any questions?

16 **CROSS-EXAMINATION**

17 BY MR. BEANE:

18 Q Mr. Still, do you remember the date on the federal
19 arrest warrant?

20 A Was it approximately July 19th, Mr. Beane?

21 I'm sorry, if you put it in front of me, I'd see it.
22 I don't recall the exact date.

23 MR. BEANE: Excuse me just a minute.

24 MS. TUCCI-JARRAF: Excuse me, Deputy, is there any
25 other exhibits that are up there, by any chance?

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1 THE COURTROOM DEPUTY: No. Which one are you looking
2 for?

3 MS. TUCCI-JARRAF: I found it.

4 BY MR. BEANE:

5 Q You are right. It was the 11th -- I mean, the
6 19th -- why would it take so many days between the 11th and the
7 19th to come up with this warrant from the FBI?

8 A Well, Mr. Beane, there was a grand jury date in
9 between.

10 So just to explain the Exhibit 165, like I was shown,
11 that was the e-mailed copy of the warrant that was sent to me.
12 That was the one from South Carolina.

13 Q The alleged warrant?

14 A Your words, sir. And then the -- this -- there would
15 have been a grand jury date in between, so I would have gone in
16 front of the grand jury. The grand jury would have issued what
17 we call a true bill, an indictment, and that's when we would
18 have had it served out there at the jail.

19 MR. BEANE: I have no further questions at this time.

20 THE COURT: Thank you.

21 Let's go back to, I guess, Ms. Tucci-Jarraf, since
22 you called this witness, any redirect?

23 Ms. Tucci-Jarraf, any redirect?

24 MS. TUCCI-JARRAF: Yes, I just have one quick
25 question.

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REDIRECT EXAMINATION

BY MS. TUCCI-JARRAF:

Q Agent Still?

A Yes, ma'am.

Q This is Defendants' Exhibit 26. Is this the detainer that you were speaking of from the 19th?

A Yes, ma'am. I'm not -- I don't -- other than in this case, I don't recall -- and I may have seen the detainer, but it doesn't look like I was the one who served it.

Q I believe this is -- would this be a part of it as well?

A Yes, ma'am. That appears to be part of just kind of a standard detainer language there.

Q Okay. And do you know who this particular officer is, Harnett?

A Mr. Harnett, I do, yes, ma'am. He's -- as identified there, he's a task force officer.

Q Was he at the scene on July 11th?

A At the arrest scene, I think Officer Harnett did arrive at the scene. Yes, ma'am, the way I remember it, he was there. He was a little late getting there, so he wouldn't have been an eye witness to the events that we've discussed in this case, but he was at the scene is what I recall.

MS. TUCCI-JARRAF: Thank you. No further questions.

THE COURT: Thank you.

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1 Any further questions from the -- well, let me go --
2 I usually go in reverse order.

3 Any further questions, Mr. Beane, in response to that
4 question? Thank you.

5 Any further questions from the government?

6 **RECROSS-EXAMINATION**

7 BY MS. DAVIDSON:

8 Q Just to make it clear, what's a detainer?

9 A A detainer is simply -- just basically lets another
10 agency know there's a federal warrant and not to release that
11 individual, because that would just -- I mean, that would
12 create extra work and a risk to public safety, someone who
13 we've got a federal indictment for to be released. So we're
14 just simply notifying that agency that there's a federal
15 warrant out there.

16 Q Okay. And specifically with Mr. Beane, we had tons
17 of testimony that he was being held on the South Carolina
18 warrant in -- by the Knox County Jail. Why did you send a
19 detainer to the Knox County Jail?

20 A Simply because that's where he was located.

21 Q So he was held in state custody, and you were
22 notifying them that before they released him, he needed to be
23 transferred to federal custody?

24 A Yes, ma'am.

25 MS. DAVIDSON: Okay. That's all I have.

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1 THE COURT: All right. Thank you, Agent Still. You
2 can return to your seat.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: Any other rebuttal witnesses,
5 Ms. Tucci-Jarraf?

6 MS. TUCCI-JARRAF: No.

7 THE COURT: Do you rest on your entire case?

8 MS. TUCCI-JARRAF: I rest on the entirety of my case,
9 yes.

10 THE COURT: Thank you.

11 Mr. Beane, I think I asked you this, any rebuttal
12 witnesses to present?

13 MR. BEANE: No.

14 THE COURT: Do you rest on your entire case?

15 MR. BEANE: I rest on my entire case.

16 THE COURT: Ladies and gentlemen, that concludes the
17 presentation of the evidence in this case. I have to discuss a
18 few matters with Counsel. I think we'll be able to start the
19 closing arguments before lunch, but I need to ask you -- I need
20 to excuse you back to the jury room, and if it's -- I don't
21 think it will take long, but if it does, we'll let you know and
22 we'll adjust the schedule.

23 You now have heard all the evidence. You have not
24 heard the closing arguments or my legal instructions, so you
25 should continue not to discuss the case among yourselves until

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1 we get through closing arguments and my legal instructions.
2 And at that time, you would begin your deliberations. So keep
3 that in mind.

4 So the jury is excused.

5 (Jury out at 10:47 a.m.)

6 THE COURT: Ms. Tucci-Jarraf, do you have a
7 defendant's theory to submit? Everybody can be seated. Thank
8 you.

9 MS. TUCCI-JARRAF: Yes.

10 THE COURT: If you'll hand that to my law clerk or,
11 Mr. Lloyd, he'll come down and get it so we can review it.

12 MS. TUCCI-JARRAF: We're just going to change one
13 word. Thank you. Two words.

14 THE COURT: All right. Next, now that all the
15 evidence is ended, do the defendants wish to renew their Rule
16 29 motions?

17 MR. LLOYD: Your Honor, before -- if I might address
18 the Court on behalf of Ms. Tucci-Jarraf, I believe that she
19 would like to move to reopen the evidence for the purpose of
20 making a proffer of the UCC-1 financing statements that were
21 earlier filed on the docket as an exhibit to a pretrial motion.
22 And I better pass it to her, because she understands better
23 than I do what she wants in that regard.

24 MS. TUCCI-JARRAF: In the motion in limine, which was
25 done by the prosecutor, she had objected to any mention of the

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1 UCCs and the relevance of them. However, in -- throughout the
2 entirety of this case management, she objected only to -- as to
3 the usage of them as far as the elements of the lack of
4 authority and jurisdiction that had been presented.

5 I've consistently gone in to have them entered into
6 the -- into evidence not regarding lack of jurisdiction or
7 authority, but as proof of title, ownership, origin of funds,
8 history of funds regarding the money that Mr. Beane had used,
9 which was why I actually intended to come into the case.

10 That was my intent, not to hide money, but to come
11 in, because I knew, had personal knowledge of the fact that the
12 title and the ownership and the origin of funds and history of
13 funds were there.

14 So that's why I would like to proffer that -- have
15 the UCCs put into the record as evidence. It goes to the -- it
16 goes to my intent personally on -- for No. 7, Count No. 7 or
17 Charge No. 7 regarding that I had no intent to hide anything,
18 because there was legal and lawful documentation that has been
19 registered inside the uniform commercial registry for the
20 property -- United States property goods and property, which
21 was exhibit -- Defendants' Exhibit No. 3.

22 So it goes to the credibility and weight of my own
23 testimony as well as in the cite, the factualized trust, which
24 was Exhibit -- the Prosecutor's Exhibit 155A, she entered in
25 the factualized trust. And inside that factualized trust after

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1 every single UCC that was listed inside of there, it states
2 afterwards restated and incorporated as if set forth in full.

3 So lawfully and legally, they've already been entered
4 into the record, but the jury is not getting an opportunity to
5 actually see those documents and to weigh the testimony. It
6 shows the time and the effort as well as the lawful and legal
7 registration of the -- what was secured, which includes the
8 property of Mr. Beane, as well as everyone else, as well as the
9 steps that were taken in order to secure that, and that it is
10 actually registered in an official registry of the United
11 States.

12 So it has nothing to do with authority and
13 jurisdiction regarding this Court or them, but it has to do
14 with title, ownership, and private property, and my intent and
15 the work and the personal knowledge I have regarding the fact
16 that they are secure. But it actually lists and identifies
17 what is secure.

18 THE COURT: All right.

19 MS. TUCCI-JARRAF: Thank you.

20 THE COURT: Thank you.

21 What's the government's response to that request by
22 this defendant?

23 MS. SVOLTO: Your Honor, we don't object to the
24 extent that Ms. Tucci-Jarraf wants to proffer them. But we
25 would like to note that the documents, which are roughly 400

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1 pages, are misleading. That was the purpose of our motion in
2 limine. I would note that we do agree that the primary
3 objective of our motion in limine was to exclude them on the
4 grounds of them being misleading and irrelevant.

5 I don't believe that those documents purport to say
6 what Ms. Tucci-Jarraf is proffering them to say, but that's
7 been an issue here. And if Ms. Tucci-Jarraf is allowed to
8 insinuate that the documents say something they don't actually
9 say, and the jury can see it, then we don't object, we don't
10 object to them being proffered into evidence.

11 But, you know, we do strongly object that they are
12 misleading, and they don't purport to say what Ms. Tucci-Jarraf
13 says. So if she proffers them, then I suggest she proffer them
14 under oath. Thank you.

15 THE COURT: Well, let me make sure I understand the
16 government's position. I mean, she is asking that the UCC
17 documents, previously excluded by the Court, be allowed to be
18 admitted into evidence. And I understand you're saying you
19 don't think they should, but -- you know, are you objecting or
20 not? I guess I want to make sure I understand the government's
21 position.

22 MS. SVOLTO: Right. The bottom line with the UCC
23 documents is to say that the Court doesn't have jurisdiction,
24 so they are misleading to that extent.

25 But if we -- if the Court is asking do we object to

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1 them being offered into evidence at this time, the answer is
2 no. We do not object.

3 THE COURT: Just a moment. So let's make sure we're
4 clear. Are these marked as exhibits? Let's get the documents
5 before us, what you're proffering.

6 MS. TUCCI-JARRAF: If I could have some time to -- I
7 do have them. I do have them, if I could just --

8 THE COURT: Are they right there?

9 MS. TUCCI-JARRAF: Yes, but they're all mixed up from
10 when they got objected to and sustained. I just have to put
11 them back together, but I do have them.

12 THE COURT: Let's do this. Let me go ahead and --
13 Mr. Lloyd?

14 MR. LLOYD: Your Honor, I believe that the documents,
15 which are desired to be proffered into evidence, exist already
16 as an exhibit or collection of exhibits attached to either a
17 motion previously filed or a response to a motion in limine
18 previously filed, and that is probably the best source of what
19 Ms. Tucci-Jarraf wishes to offer.

20 THE COURT: All right. So you're asking that they be
21 admitted.

22 You're not objecting? "You" being the government.

23 MS. DAVIDSON: Your Honor, the problem -- I'm sorry
24 for us double teaming.

25 But, Your Honor, the problem with these documents are

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1 that there's no possible way that she can say that they prove
2 there's a secret fund which we're all entitled to without
3 arguing that the country is bankrupt and she foreclosed upon
4 it. There's just simply no way. I mean, she's been arguing
5 and alluding to these UCC documents. And there is no UCC
6 registry. She's been alluding --

7 THE COURT: Not to cut you off, I assume that's going
8 to be part of her closing arguments.

9 MS. DAVIDSON: I assume so too, but how --

10 THE COURT: You'll have a chance to rebut that. I'm
11 just going back to basics. So is the government -- I've heard
12 the government is not objecting to introduction of these
13 documents. I'll probably want to take a look at them. You're
14 just asking they be introduced into evidence. If the Court --

15 MS. TUCCI-JARRAF: That's correct.

16 THE COURT: If the Court grants that, I don't know
17 that we'd need more testimony in any regard. There has been
18 testimony as to those documents.

19 MS. DAVIDSON: True.

20 THE COURT: I think even during one of your
21 cross-examinations, they were even referenced. I mean, you may
22 have -- "you" being the government may have them handy, but I
23 guess we need to look at the -- we'll look at the court record.

24 My only -- I don't know -- I understand that there
25 was argument -- I mean, the Court excluded them, not

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1 exclusively, but one of the primary reasons was to preclude any
2 argument about the Court's jurisdiction.

3 I have not gone back and looked at the documents to
4 see if within those documents themselves they reference --

5 MS. TUCCI-JARRAF: They do not. They reference the
6 title and ownership, identify the property --

7 THE COURT: You understand if I let them in, you
8 still --

9 MS. TUCCI-JARRAF: I would never --

10 THE COURT: -- you still could not, you know, address
11 those types of arguments that have been excluded.

12 MS. TUCCI-JARRAF: That's not my intention. I have a
13 solution.

14 MS. DAVIDSON: To -- Your Honor, also that the United
15 States is foreclosed upon.

16 THE COURT: All right. Okay. Then the Court,
17 subject to -- I think, Ms. Tucci-Jarraf, I think it's incumbent
18 upon -- I know, Mr. Lloyd, your suggestion is to go back to the
19 motions previously filed. But I think it's incumbent upon, so
20 there's no confusion or mistake, to let Ms. Tucci-Jarraf
21 provide the actual documents that she wants introduced.

22 Given the request, given the lack of objection, given
23 that there has been reference to the UCC documents throughout
24 the trial, while the Court believes there could be some
25 confusion by admitting them under Rule 403, but, again, given

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1 the lack of objection, and given what the Court stated, that
2 even if admitted, the motion in limine ruling is still valid in
3 terms of what the -- what the defendants can argue on the basis
4 of those document, otherwise the Court will admit the
5 documents, subject to Ms. Tucci-Jarraf providing them, the
6 actual documents she wants admitted and the Court's review.

7 So with that ruling having been done, I think we can
8 now look at the Rule 29 motions.

9 Do the defendants wish to renew their Rule 29
10 motions?

11 MS. TUCCI-JARRAF: Yes, I do at this time without
12 prejudice.

13 THE COURT: The Court obviously upon renewal would
14 look at all the evidence that's been presented, but -- and,
15 Mr. Beane, you wish to renew yours as well at the close of all
16 the evidence?

17 MR. BEANE: Yes. Yes.

18 THE COURT: Is there any additional -- other than
19 urging the Court to consider all the evidence presented, is
20 there any additional argument that needs to be made on those
21 motions?

22 MS. TUCCI-JARRAF: No, there's not. I'm restating
23 the one that was made at halftime. Thank you.

24 MR. BEANE: No additional argument. Restating as
25 well.

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1 THE COURT: Let me go ahead and address the Rule 29
2 motion.

3 The Court does have before it the defendants' motions
4 for judgments of acquittal under Federal Rules of Criminal
5 Procedure 29. The Court heard argument from the parties on
6 these motions at the close of the government's case in chief on
7 January 26th. The Court at that time deferred ruling until the
8 defendants renewed their motion at the close of all the
9 evidence, which both defendants have now done.

10 Going back to the previous arguments, first,
11 Defendant Tucci-Jarraf incorporated and reasserted the
12 arguments she raised in two documents she filed with the Court
13 the day the trial began, docket entries 101 and 102.

14 These documents dispute this Court's legal authority
15 over Ms. Tucci-Jarraf and purport to order the dismissal of the
16 indictment.

17 In addition, with regard to Count 7, Ms. Tucci-Jarraf
18 argued that the government has failed to provide sufficient
19 evidence and an agreement between her and her codefendant,
20 Randall Beane, to commit the federal offense of money
21 laundering.

22 Finally, she argued that the government has provided
23 insufficient evidence of her criminal intent with respect to
24 Count 7.

25 Second, Defendant Beane argued that there is

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1 insufficient evidence to submit Counts 1 through 7 against him
2 to the jury, specifically with regard to Counts 1 through 5,
3 charging wire fraud, and Count 6, charging bank fraud.

4 Mr. Beane asserted that the government has provided
5 insufficient evidence of the requisite mental states for these
6 offenses. Mr. Beane also adopted the positions advanced by
7 Ms. Tucci-Jarraf in docket entries 101 and 102.

8 The government responded, among other things, that it
9 has provided sufficient evidence to submit all charges against
10 both defendants to the jury. As to Ms. Tucci-Jarraf, the
11 government argued that the circumstantial evidence it had
12 offered proved an agreement between the defendants to attempt
13 to launder the proceeds of Mr. Beane's wire and bank fraud.

14 Among other things, the government pointed to
15 evidence it claimed showed Ms. Tucci-Jarraf had falsely claimed
16 to be Mr. Beane's attorney to convince Buddy Gregg Motor Homes,
17 Whitney Bank, and USAA, and others that the funds at issue were
18 legitimate. The government also noted that Ms. Tucci-Jarraf
19 provided the factualized trust documents that appeared to
20 legitimize Mr. Beane's transactions.

21 Next, as to Mr. Beane, the government argued, among
22 other things, that it had provided more than sufficient
23 circumstantial evidence of his deceitful intent with respect to
24 the wire and bank fraud counts, and the government pointed to
25 multiple items of testimony and evidence in this record that it

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1 submits, taken together, show Mr. Beane's intent to defraud
2 USAA and others.

3 As to the applicable standard for the Court's
4 consideration of these motions, Rule 29 provides that after the
5 government closes its evidence, the Court on the defendants'
6 motion must enter a judgment of acquittal for any offense for
7 which the evidence is insufficient to sustain a conviction.
8 Rule 29 permits the Court to reserve decision on such a motion
9 until before or after the jury returns a verdict.

10 For purposes of Rule 29 consideration, evidence is
11 sufficient to sustain a conviction if, after viewing the
12 evidence in the light most favorable to the prosecution and
13 after giving the government the benefit of all inferences that
14 could reasonably be drawn from the testimony, any rational
15 trier of fact could find that the government has proved the
16 elements of the crime beyond a reasonable doubt.

17 In other words, this Court for purposes of assessing
18 a Rule 29 motion does not function as the jury would in this
19 case, as you will hear in the legal instructions that will be
20 given to the jury. Again, and instead, the Court must, in
21 assessing the Rule 29, motions view the evidence in the light
22 most favorable to the prosecution and give the government the
23 benefit of all inferences that could reasonably be drawn from
24 the testimony.

25 Here, in viewing the evidence in the light most

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1 favorable to the government, as it must, and after giving the
2 government the benefit of all inferences that could reasonably
3 be drawn from the trial testimony, as it must, the Court finds
4 that a rational trier of fact could determine beyond a
5 reasonable doubt that the government has proved all the charges
6 against both defendants.

7 As to Ms. Tucci-Jarraf, the Court first notes that it
8 has previously rejected her theories that this Court lacks
9 subject matter jurisdiction and that the United States
10 Attorney's Office lacks authority to bring charges against her.

11 Furthermore, the Court finds that in viewing the
12 evidence, both at the close of the government's case in chief
13 as well as in viewing the evidence at the close of the trial,
14 that is, all the evidence presented at this trial, and, again,
15 viewing that evidence in the light most favorable to the
16 prosecution, the Court finds that the evidence is sufficient to
17 prove the existence of an agreement between the defendants to
18 commit money laundering.

19 While there is no evidence of an explicit written or
20 oral agreement between the defendants to commit such a crime,
21 the record does contain examples of Ms. Tucci-Jarraf presenting
22 herself as Mr. Beane's lawyer in e-mail and telephone
23 conversations with Buddy Gregg Motor Homes, Whitney Bank, Ted
24 Russell Ford and others in an effort to legitimize transactions
25 at issue.

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1 There's also evidence that Ms. Tucci-Jarraf drafted
2 the many documents submitted to the parties involved in these
3 transactions on Mr. Beane's behalf. And, in fact, the
4 government submitted, among other things, into evidence audio
5 recordings and e-mail chains in which Ms. Tucci-Jarraf, again,
6 when viewing that in evidence the light most favorable to the
7 government, appears to act on Mr. Beane's behalf to attempt to
8 finalize several transactions, using the funds obtained from
9 USAA.

10 The Court also notes with respect to evidence of
11 intent, that the mental state required for Count 7 is that the
12 defendants knowingly and voluntarily agreed to commit one or
13 more of the object offenses.

14 Again, based on the factual circumstances just
15 discussed, the Court finds the record, when viewed in a light
16 most favorable to the prosecution, contains sufficient evidence
17 to permit a rational juror to find that the defendants
18 exhibited such a mental state.

19 And, therefore, the Court will deny
20 Ms. Tucci-Jarraf's Rule 29 motion, but, again, with respect to
21 that motion being made at the close of the government's case in
22 chief as well as that motion being renewed at the close of all
23 the evidence.

24 Next, as to Counts 1 through 6, as to Mr. Beane, the
25 Court has already rejected any argument derived from docket

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1 entries 101 and 102.

2 With respect to Mr. Beane's arguments concerning a
3 lack of evidence of mens rea, both wire fraud and bank fraud,
4 the Court notes do require proof of an intent to defraud or
5 deceive. And here, again, when viewing the evidence in light
6 most favorable to the government, the Court finds sufficient
7 evidence of intent, although some evidence elicited by the
8 defendant suggests that Mr. Beane believed the money he took
9 was his own.

10 The government has offered contrary evidence. That
11 information as to the falsity of this belief was readily
12 available to Mr. Beane, thus, a rational juror could find that
13 Mr. Beane either intended to deceive or was deliberately
14 ignorant as to the significance of his actions and otherwise
15 did not have a good faith belief as to the origins or ownership
16 of the money he took.

17 Furthermore, the Court does note the government has
18 offered evidence, again, when viewed in the light most
19 favorable to the government, that shows the defendant,
20 Mr. Beane, devised a scheme based on the purchase of jumbo
21 certificates of deposit on his own, and that he elected to
22 attempt to purchase CDs worth a very large amount of money.

23 And, moreover, the evidence of Mr. Beane's actions
24 after the initial purchase of the CDs could be taken by
25 rational jurors showing an intent to profit from a fraudulent

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1 scheme. This and the other circumstances surrounding the
2 transactions at issue would rationally permit an inference of
3 fraudulent or deceitful intent on the part of the defendant,
4 Mr. Beane.

5 Accordingly, the Court concludes that the government
6 has presented sufficient evidence for the jury to return a
7 verdict of guilty as to all counts in the indictment against
8 both defendants. The Court therefore denies both the
9 defendants' Rule 29 motions, both when assessing the motion at
10 the conclusion of the government's case in chief as well as
11 assessing the renewed motions at the conclusion of all the
12 proof in this case.

13 All right. Unless there's anything else to take up,
14 we'll take a short recess.

15 We'll allow you, Ms. Tucci-Jarraf, to double-check
16 the document -- the UCC documents that the Court is allowing
17 you to introduce into evidence.

18 Ms. Davidson, anything further?

19 MS. DAVIDSON: Yes, Your Honor. Just -- I would like
20 to see which documents before she -- and I still don't --

21 THE COURT: That's what we're going to do at the
22 short break. Y'all need to look at the documents.

23 MS. DAVIDSON: Yeah. I --

24 THE COURT: Go ahead.

25 MS. DAVIDSON: You know, I wasn't allowed to

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1 cross-examine her on these documents because they were
2 excluded, and so there has been no cross on these documents.
3 And so she's going to get -- be able to get up there and argue
4 whatever she wants to that they say that they say, which is
5 completely inappropriate.

6 THE COURT: Are you asking to be able to cross her?

7 MS. DAVIDSON: I really don't want to reopen the
8 proof, but the way --

9 THE COURT: Let's start -- let's start with the
10 documents. Take a short break, look -- let's make sure we have
11 the documents in order, and then I'll come back in and see if
12 we need to reassess the Court's ruling.

13 MS. DAVIDSON: Okay. Great. Thanks.

14 THE COURT: Thank you.

15 THE COURTROOM DEPUTY: All rise.

16 (Recess from 11:09 a.m. to 11:22 a.m.)

17 THE COURTROOM DEPUTY: All rise.

18 THE COURT: Ms. Tucci-Jarraf, do you have the
19 assembled documents?

20 MS. TUCCI-JARRAF: We've worked it out with Julie as
21 well as with Mr. Lloyd. I'm going to let him handle it.

22 THE COURT: Go ahead, Mr. Lloyd. What's the
23 documents?

24 MR. LLOYD: I'm sorry, Your Honor?

25 THE COURT: What is the document number for these

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1 documents that Ms. Tucci-Jarraf has asked to be introduced?

2 MR. LLOYD: It was 25, Your Honor.

3 THE COURT: Defendants' Exhibit 25.

4 MR. LLOYD: No, Your Honor. It's the docket entry
5 that it's attached to is item 25 on the docket of this case.
6 It would be as an Exhibit 34.

7 THE COURT: I mean, I'm just -- physically, where are
8 these documents?

9 MR. LLOYD: Someone who assists Ms. Tucci-Jarraf is,
10 to my understanding, dealing with the clerk in the clerk's
11 office.

12 THE COURT: She doesn't have the documents herself
13 right now?

14 MR. LLOYD: No. They're having to be copied, Your
15 Honor.

16 MS. TUCCI-JARRAF: I have the documents in here, but
17 they're all mixed up. And so to make it shorter and to make it
18 quick and efficient, we just went down to get the Document 25
19 that has all the UCCs in order.

20 THE COURT: Any objection to going ahead -- going
21 ahead with closing argument while we -- while those documents
22 are assembled? I don't hear any.

23 MS. DAVIDSON: Your Honor --

24 THE COURT: Everybody can be seated in the audience.

25 MS. DAVIDSON: Your Honor, we did request that -- we

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1 object to these being admitted without cross-examination.

2 Ms. Tucci-Jarraf -- I was not allowed to cross-examine her on
3 these UCC documents. And nowhere in here --

4 THE COURT: I don't recall any questions where there
5 was objections.

6 MS. DAVIDSON: There were actually.

7 THE COURT: About the UCC documents?

8 MS. DAVIDSON: Yes. I -- Francis objected for her
9 and -- during that time, just when I was reading some of the
10 UCC documents and this Court's order regarding those documents,
11 that they were frivolous and devoid of any legal merit, and he
12 objected, and you sustained it and said to not ask anything
13 about the UCC documents. So I did not cross-examine her on the
14 UCC documents.

15 And, Your Honor, there is no -- I just don't see how
16 these are admitted without the jurisdiction argument, because,
17 basically, these are all purporting to foreclose upon the
18 United States, and -- which is why we all have this secret
19 account. It's the people's money, because the United States is
20 no longer there. And I'm just restating what, you know, my
21 brief review of these documents seem to be. Your Honor, we've
22 been opposing -- objecting --

23 THE COURT: I mean, you've got a packet there. Maybe
24 that is the actual documents. Maybe we can just use those.

25 MS. DAVIDSON: I'm not sure. And I haven't even

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1 hardly reviewed them all. But I went through them. There's a
2 lot of non-intelligible pages, copies of nothing in here. And
3 these were attached to Mr. Beane's motion, Government's
4 Exhibit -- I'm sorry, on the record, Document 19.

5 And there is lots of talk about -- I mean, just my
6 brief review of it, they keep talking about that the government
7 is no more and that the people have foreclosed upon it, and
8 that's what all these documents say.

9 So I just don't see any possible way that these can
10 be admitted without addressing the jurisdictional argument.
11 And if she -- I would like to see -- I would like her to show
12 me where exactly does it say there's a secret trust without
13 mentioning the United States being foreclosed upon and this
14 Court having no jurisdiction. I don't think she can show me
15 that.

16 THE COURT: Mr. Lloyd.

17 MR. LLOYD: Your Honor, thank you.

18 I recall now due to opposing counsel having reminded
19 me of the nature of my objection to her question. The question
20 sought to elicit testimony that there had been a previous
21 ruling in this case, two judicial rulings, one by Your Honor
22 after having received the report and recommendation of the
23 magistrate judge that the application to dismiss for want of
24 jurisdiction was denied, which, of course, would no more be for
25 the jury to know than for the jury to decide any issue of

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1 jurisdiction, which is solely the province of the judiciary and
2 remains.

3 THE COURT: All right. Thank you. I'm ready to
4 rule.

5 After the close of the evidence, Defendant
6 Tucci-Jarraf moved to reopen the proof to offer a number of
7 Uniform Commercial Code documents that have not been into
8 evidence, but have been referenced at various points during
9 this trial, both with respect to some of the trust documents
10 that have been discussed as well as during cross-examination.
11 And although they have been referenced in direct and
12 cross-examination throughout portions of the trial until now,
13 none of the parties actually offered to admit them into
14 evidence.

15 Also, the Court does note the reference to the
16 Court's motion in limine in this case that may have made some
17 reference to those documents, but that ruling on the motion in
18 limine did not pertain to the documents themselves. Instead,
19 they precluded defendants from making certain arguments in this
20 case, that being whether the Court had subject matter
21 jurisdiction, whether the United States government has
22 defaulted, has been foreclosed, or is otherwise legally
23 impaired, and whether the government has the legal authority to
24 bring a prosecution of the defendants for the charged offenses.

25 Initially, before our break, the government stated it

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1 did not object to these documents. I'm now interpreting their
2 position as objecting to the documents.

3 The Court is going to overrule the objection and
4 allow the documents into evidence. The documents are being
5 admitted into evidence, but the -- I hasten to add to the
6 defendants that the ruling related to the motion in limine
7 still applies with the -- and cannot be offered or argued with
8 respect to those aspects.

9 With respect to the government's request to further
10 reopen the proof to allow cross-examination of these documents,
11 the Court is going to deny that request. The Court thinks
12 there's been sufficient testimony and evidence related to the
13 documents already, and so the Court is going to deny that
14 request as well.

15 And absent objection, I think we can go into closing
16 arguments and make sure the documents are admitted as, I
17 guess -- what did you say, Defendants' Exhibit 34?

18 Ms. Davidson, do you need time to look at these
19 documents before closing arguments?

20 MS. DAVIDSON: Your Honor, I assume we're going to
21 break for lunch after my opening close so that I would have
22 time for my rebuttal.

23 Your Honor, I am struck with the irony of this, that
24 they're not allowed to argue that there's no jurisdiction, but
25 the reason these documents are so ridiculous is because they

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1 say the United States is foreclosed upon.

2 And so how do I address that?

3 THE COURT: Well, if you feel like you need to go
4 into that after -- depending on the defendants' closing
5 arguments, bring that to my attention.

6 MS. DAVIDSON: Thank you, Your Honor.

7 THE COURT: All right. As with any motion in limine
8 or order of the Court on a motion in limine, it's subject to
9 being revisited depending on the proof and the argument.

10 MS. DAVIDSON: Thank you, Your Honor.

11 THE COURT: Ready to go?

12 MS. DAVIDSON: I am.

13 THE COURT: All right. Let's bring in our jury.

14 Just as a reminder, the government has 50 minutes.
15 Ms. Davidson has requested up to 35 minutes --

16 MS. DAVIDSON: Yes, Your Honor.

17 THE COURT: -- for opening, and the defendants have
18 up to 50 minutes or 25 minutes apiece.

19 Hold on just a second.

20 MR. McGRATH: I'm sorry, Judge. It was up to 25
21 apiece, I thought was the suggested structure, if you will.
22 The defendants have spoken, and they were okay with 15 and 35,
23 pending the Court's approval.

24 THE COURT: Well, I said -- I think what I said was
25 Mr. Beane could borrow from Ms. Tucci-Jarraf, because he has

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1 more counts against him, is what I had said. So are you going
2 first, Mr. Beane?

3 MR. BEANE: Yes.

4 THE COURT: And you only want to take 15 minutes?

5 MR. BEANE: Yes.

6 THE COURT: Well, we'll give you up to 30 minutes,
7 Ms. Tucci-Jarraf.

8 Mr. Beane, you can have up to 25 -- up to 20 minutes
9 for the 50 minutes combined.

10 MR. McGRATH: Thank you, Judge.

11 THE COURT: Now, we'll bring in our jury.

12 (Jury in at 11:32 a.m.)

13 THE COURT: Thank you. Everyone may be seated. Let
14 me mention briefly to the jury, while you were patiently
15 awaiting, there was a request to reopen the proof to allow into
16 evidence one additional document or set of documents, which the
17 Court has allowed as Defendants' Exhibit 34, which is a
18 compilation of what I'll refer to as UCC documents that have
19 been referenced during portions of the trial. Just wanted to
20 make the jury aware of that additional piece of evidence, that
21 the Court has allowed into evidence in this case.

22 (Defendants' Exhibit 34 admitted into evidence.)

23 (Whereupon, Government's closing argument and Defendant
24 Randall Keith Beane's closing argument were had and reported
25 but not herein transcribed.)

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1 THE COURT: All right. Thank you, Mr. Beane.

2 I think what we'll do is we'll go ahead and take a
3 lunch recess and then come back with the defendant,
4 Ms. Tucci-Jarraf's closing argument and the government's
5 rebuttal closing argument, and the Court's instructions, and
6 then you'll have the case probably mid afternoon. So let's go
7 ahead and break until 1:30.

8 And just keep in mind, you know, we're in the middle
9 of closing arguments, so to the extent you eat lunch together,
10 please refrain in any way from deliberating about the case.
11 You need to wait until the remainder of closing arguments and
12 the Court's legal instructions. At that time, you will be free
13 to deliberate.

14 So we'll stand in recess until 1:30.

15 (Jury out at 12:22 p.m.)

16 THE COURT: Please sit down for a moment. That's
17 fine.

18 Courtroom deputy has informed me she has downloaded
19 or produced the document -- the actual UCC documents, which
20 were attachment to Document 25 in the record, which is what --
21 the Court's understanding through Mr. Lloyd and
22 Ms. Tucci-Jarraf, is what they wanted entered into evidence.
23 Just verify that before you leave here over the lunch break.

24 Ms. Tucci-Jarraf is that what you have there?

25 MS. TUCCI-JARRAF: Yeah. This is what we have from

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1 Document 25, we only included 10 through 309. We took off the
2 top parts because it was the indictment and the arrest warrant.
3 So this was the actual filings. We have a hard copy for --

4 THE COURT: Show that to Ms. Davidson.

5 MS. DAVIDSON: I'm not sure that the pleadings
6 themselves is an appropriate --

7 MS. TUCCI-JARRAF: It's not in there. This is just a
8 notice of filing and then the --

9 MS. DAVIDSON: Oh, notice of filing.

10 MS. TUCCI-JARRAF: -- so that they know.

11 THE COURT: Just spend the next five minutes
12 verifying all that so that it's ready to go back to the jury
13 when the closing arguments and instructions are done.

14 The Court does have the theories submitted by
15 Mr. Beane and Ms. Tucci-Jarraf. They do comply with the
16 applicable standards for theories, so the Court will give
17 those -- by the defendants.

18 Anything else?

19 MS. DAVIDSON: No, Your Honor.

20 THE COURT: If not, we'll come back with up to 30
21 minutes and then the remainder of Ms. Davidson's time. Up to
22 30 minutes for Ms. Tucci-Jarraf's closing arguments and --

23 MS. DAVIDSON: I think I have 15, but I probably
24 won't take it all.

25 THE COURT: You have at least 15. You didn't use all

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1 your opening.

2 Anything else, Mr. Lloyd?

3 MR. LLOYD: Yes, Your Honor. Ms. Tucci-Jarraf asked
4 whether in our statement of the defense theories "unlawful
5 activity" can be substituted for "money laundering"? Is that
6 correct?

7 MS. TUCCI-JARRAF: Uh-huh.

8 THE COURT: Do you have that, the original
9 handwritten?

10 THE CLERK: Final two words?

11 MR. LLOYD: The change would be from "money
12 laundering" to "unlawful activity."

13 THE CLERK: Right. The final two words.

14 THE COURT: Let me see it.

15 All right. Anything else? If not, we'll see
16 everybody back here in just about an hour. Be ready to go at
17 exactly 1:30.

18 (Recess from 12:25 p.m. to 1:35 p.m.)

19 THE COURT: Let me see Counsel and the parties here
20 at side conference.

21 (Bench conference begins.)

22 THE COURT: All right. Let me direct this to
23 Ms. Tucci-Jarraf.

24 MS. TUCCI-JARRAF: Yes.

25 THE COURT: The juror questionnaires, we talked about

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1 yesterday --

2 MS. TUCCI-JARRAF: Yes.

3 THE COURT: -- and I instructed you to return them by
4 today. Actually, they were supposed to be returned at the
5 onset of trial. What's the status?

6 MS. TUCCI-JARRAF: I spoke to Julie. When I got
7 them, I wasn't aware that I had to return them, but I hid them,
8 just to make sure if someone did come in the house, they
9 wouldn't look through them, because there's multiple people
10 that live in the house. I hid them. I just cannot remember
11 where I hid them at the moment. And I was prepping my work
12 last night -- or this morning from 12:30 till 6:00, looking for
13 those, as well as trying to prep my cross and my closing.

14 As soon as I get home, I'm meeting with PO Walker,
15 and I'm going to be looking just for those. I don't have
16 anything else to prep so that I would be able to locate them.
17 And I told Julie, if you want me on the record or however you
18 want, that they will come back to you guys without anyone
19 seeing them -- I haven't even looked at them. I just opened
20 them.

21 THE COURT: Let me just -- to the extent there's any
22 confusion or issue, the Court instructs, and I guess more to
23 the point, orders you to have those returned and reminds you of
24 your obligation not to -- to ensure that they not be reproduced
25 or disseminated in any fashion.

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1 MS. TUCCI-JARRAF: Absolutely.

2 THE COURT: All right. Thank you.

3 MS. TUCCI-JARRAF: Thank you.

4 (Bench conference concluded.)

5 THE COURT: All right. We're ready to continue with
6 closing arguments. We'll bring the jury in.

7 (Jury in at 1:37 p.m.)

8 (Whereupon, Defendant Heather Ann Tucci Jarraf's closing
9 argument, Government's rebuttal closing argument, and jury
10 charge were had and reported but not herein transcribed.)

11 (Jury out at 3:08 p.m.)

12 THE COURT: All right. Excuse me just a moment.
13 Everyone may be seated.

14 All right. Let me ask counsel for the government,
15 any objections or further comments to the charge as given?

16 MS. DAVIDSON: No, Your Honor.

17 THE COURT: Ms. Tucci-Jarraf, any further objection
18 or comments in the charge as given?

19 MS. TUCCI-JARRAF: No comments.

20 THE COURT: Mr. Beane, any further objection or
21 comments to the charge as given?

22 MR. BEANE: No.

23 THE COURT: All right. Then unless there's anything
24 further then, we will stand down pending either a verdict or a
25 question by the jury. If they don't reach a verdict by the

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1 conclusion of the day, I will call them back in and give them
2 some overnight instructions. But we'll otherwise stand in
3 recess until we hear from the jury.

4 Ms. Norwood had to step out, but I think she would
5 ask, so I'll ask on her behalf, we won't keep the courtroom
6 open during the jury deliberating process. The jury does not
7 come back in here, but because of everything that's going on,
8 we'll ask everyone to leave the courtroom.

9 I think if she doesn't have contact information of
10 counsel or the parties, if you'll leave that with the court
11 reporter -- I think she already has them -- but just make sure
12 she can contact you, and we'd obviously give sufficient time to
13 get back here. But getting back here means 10 or 15 minutes
14 sufficient time, not hours.

15 So with that in mind, again, Ms. Tucci-Jarraf or
16 Mr. Beane, if you have any questions in that regard, talk to
17 Mr. Lloyd or Mr. McGrath who are experienced in that regard.

18 But otherwise, the -- we'll stand down and the
19 courtroom will be closed pending a question or verdict by the
20 jury.

21 Thank you, everyone.

22 (Recess from 3:10 p.m. to 4:38 p.m.)

23 THE COURTROOM DEPUTY: All rise.

24 THE COURT: All right. The Court is informed that
25 the jury wishes to break for the day and resume deliberations

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1 in the morning, so I'll bring them in and give them
2 instructions, one of which, so everyone will know, is that you
3 will hear me tell them this, we won't reconvene court in the
4 morning. We'll just instruct -- I'll give them instructions
5 about resuming their deliberations in the jury room, but I'll
6 talk about that with y'all as well after I dismiss the jury.

7 So let's bring the jury in.

8 (Jury in at 4:39 p.m.)

9 THE COURT: Thank you. Everyone may be seated.

10 Again, good afternoon. Welcome back to the members
11 of the jury. The Court is informed that the jury would like to
12 seize their deliberations for the day and come back in the
13 morning to resume deliberations, I think, from the nodding
14 heads, that's what everybody wants to do and that's certainly
15 fine.

16 Before I dismiss you today, let me give you a few
17 instructions. One is the one I give you every day, while you
18 are now -- you've heard all the evidence, you've heard the
19 arguments and instructions, and you have actually begun your
20 deliberations, you should basically -- we are now seizing
21 deliberations for the day. So until you resume deliberations
22 until tomorrow, there should be no further discussion among
23 yourselves about the case or deliberations in any fashion.

24 And then my other instruction still applies in terms
25 of not talking about the case with anyone or allowing anyone to

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1 talk with you about the case, not reading anything about the
2 case, not doing any independent research and so on and so
3 forth.

4 Just keep those instructions in mind. Now, tomorrow
5 morning, we will not reconvene court at 9:00 a.m. I assume
6 that's the time you would generally like to resume your
7 deliberations. So what we'll do is, you'll just gather in the
8 jury room, deliberation room at 9:00 a.m.

9 In that regard, you know, obviously, you'll come in
10 two at a time, three at a time, four at a time till you get to
11 12. Until all 12 of you are there, you should not begin your
12 deliberations.

13 For example, if it's 9:00 a.m. and ten of you are
14 there, the ten of you don't discuss anything. So in other
15 words, don't -- seize your deliberations now and don't be --
16 don't resume them until at or around 9:00 a.m. tomorrow when
17 all 12 of you are back in the jury room and your foreperson
18 directs you to resume your deliberations.

19 So any questions about those instructions?

20 All right. So we'll plan to see you at some point
21 tomorrow, but otherwise you-all will see each other tomorrow
22 morning, which would be Thursday, February 1. We're down to
23 February.

24 I would say, and I'll -- if I don't forget to say at
25 the end of the case, obviously, we've been here a few more days

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1 beyond what the Court estimated, and I certainly appreciate
2 everyone's not only cooperation but patience and attention
3 throughout the multiday periods we've been here, including
4 tomorrow.

5 With that being said, everyone have a good evening,
6 and the jury is dismissed for the day.

7 (Jury out at 4:42 p.m.)

8 THE COURT: All right. Everybody be seated just a
9 moment. One more matter the Court wants to address.

10 First of all, before I do that, as I was stating, and
11 counsel is aware of this, but the parties may not have been
12 aware, that when the jury comes back to continue deliberations,
13 we don't open court. We just allow them to gather in the jury
14 deliberation room.

15 So we will not open court at 9:00 a.m. But just like
16 this afternoon, if and when we receive a verdict or question
17 from the jury, Ms. Norwood will contact you in the same fashion
18 she did today.

19 The matter I wanted to address has to deal with the
20 jury questionnaires that we talked about briefly at the -- I
21 guess before we -- or right after lunch today.

22 And the Court, as it discussed then, previously
23 instructed the defendant, Ms. Tucci-Jarraf, to return her
24 copies of the jury list and questionnaire. That's been done on
25 several previous occasions, including directing that they be

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1 returned at the latest by the start of trial this morning.
2 That was not done.

3 And Ms. Tucci-Jarraf, at our sidebar conference,
4 informed the Court that she does not currently remember where
5 she placed these documents in the home where she is residing
6 with several other people, but that she plans, now that the
7 daily trial preparation is over, to locate them tonight and
8 return them.

9 The Court wants to remind you, Ms. Tucci-Jarraf, that
10 Paragraph -- I believe it's Paragraph II(i) of the pretrial
11 order in this case provides as follows, quote, following jury
12 selection, counsel and any other person provided the jury list
13 must return to the clerk the jury list and any copies made from
14 the jury list or destroy them, closed quote.

15 Local Rule 83.12 of this Court contains the exact
16 same instruction, and these rules are consistent with the
17 privacy policies promulgated by the Judicial Conference of the
18 United States.

19 The Court is also informed that both the
20 government -- counsel for the government and Mr. Beane, as an
21 individual in this case, complied with the instructions in the
22 pretrial order and returned their copies of the questionnaires
23 immediately after jury selection.

24 Therefore, so that there's no question or confusion,
25 the Court is at this time ordering the defendant,

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1 Ms. Tucci-Jarraf, to return your copy of the jury list and
2 questionnaire by 9:00 a.m. tomorrow, February 1. You should
3 deliver these documents to the clerk's office counter in a
4 sealed envelope with the words, quote, Judge Varlan's Courtroom
5 Deputy, closed quote, written on the outside of the envelope.

6 I'll also remind you, since you're the only one who's
7 not returned the jury questionnaire, that the watermark
8 included on these documents prohibits you or anyone else from
9 copying, reproducing, or otherwise distributing these
10 documents, or the information they contain without the Court's
11 permission.

12 So I want to be clear as to what the Court is
13 ordering, again, ordering that this particular defendant return
14 her copy of the jury list and questionnaire by 9:00 a.m.
15 tomorrow, February 1, and deliver those documents to the
16 clerk's office counter in a sealed envelope with the words
17 "Judge Varlan's Courtroom Deputy" written on the outside of the
18 envelope.

19 Mr. Lloyd, I know you're standby counsel in this
20 case, the Court is going to direct you to work with the
21 defendant, Ms. Tucci-Jarraf, as necessary, to make sure she not
22 only understands this order, which should be self-explanatory,
23 but to help ensure compliance with the order of this court.

24 MR. LLOYD: Yes, Your Honor.

25 THE COURT: With that being ordered and that being

UNITED STATES DISTRICT COURT

1 said, I will adjourn, again, as stated, pending a decision or
2 question by the jury tomorrow. Thank you.

3 THE COURTROOM DEPUTY: All rise. This honorable
4 court shall stand in recess.

5 (Proceedings recessed at 4:46 p.m.)
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UNITED STATES DISTRICT COURT

CERTIFICATE OF REPORTER

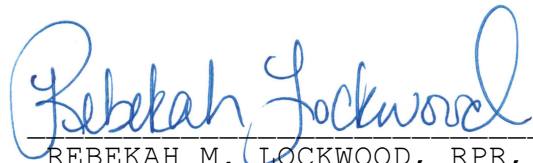
STATE OF TENNESSEE

COUNTY OF KNOX

I, Rebekah M. Lockwood, RPR, CRR, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing pages constitute a true and complete computer-aided transcription of my original stenographic notes to the best of my knowledge, skill, and ability.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Knoxville, Knox County, Tennessee this 22nd day of April, 2018.



REBEKAH M. LOCKWOOD, RPR, CRR
Official Court Reporter
United States District Court
Eastern District of Tennessee